

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of City Council Minutes

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Meeting Date: February 8, 2010  
Department: City Manager's Office  
*www.eugene-or.gov*

Agenda Item Number: 2A  
Staff Contact: Beth Forrest  
Contact Telephone Number: 541-682-5882

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### ISSUE STATEMENT

This is a routine item to approve City Council meeting minutes.

### SUGGESTED MOTION

Move to approve the minutes of the November 23, 2009, Work Session, December 14, 2009, Work Session, and December 14, 2009, City Council Meeting.

### ATTACHMENTS

- A. November 23, 2009, Work Session
- B. December 14, 2009, Work Session
- C. December 14, 2009, City Council Meeting

### FOR MORE INFORMATION

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MINUTES

Eugene City Council  
McNutt Room—City Hall—777 Pearl Street  
Eugene, Oregon

November 23, 2009  
5:30 p.m.

COUNCILORS PRESENT: Alan Zelenka, Mike Clark, Andrea Ortiz, Jennifer Solomon, Chris Pryor, George Poling, George Brown, Betty Taylor.

Her Honor Mayor Kitty Piercy called the work session of the Eugene City Council to order.

**A. COMMITTEE REPORTS AND ITEMS OF INTEREST FROM MAYOR, CITY COUNCIL, AND CITY MANAGER**

Ms. Piercy reported that over 300 people attended the recent Economic Development Summit and thanked all of the individuals and agencies that worked together to make the event a success. She circulated gifts that had been received by Kelly Middle School from their sister school in Kakegawa, Japan, and read a letter from the new mayor of Kakegawa.

Mr. Clark attended a meeting of the Save Civic Stadium organization and also found the Economic Development Summit very interesting and useful. He thanked those who worked on the event. He congratulated the University of Oregon Ducks on their trip to the Rose Bowl.

Ms. Taylor attended the Economic Development Summit and the Arts and Business Alliance breakfast. She recently participated in a National League of Cities (NLC) conference and felt that the voices of cities were being heard by the new administration. She said sustainability was the prevailing theme of the conference. She said the Human Development Committee, of which she was vice chair, had been working on issues related to teenage pregnancy, employment and veterans' health care and its recommendations were adopted by the NLC.

Ms. Ortiz said the City's congressional lobbyist had advised keeping any funding requests simple and straightforward. She hosted an outreach event for Lane Transit District (LTD) at Plaza Latina and hoped that more business owners would take advantage of opportunities to provide input on transit issues. She said the Joint Elected Officials EMS Subcommittee would be forwarding recommendations to the council. She attended the Governor's Summit on Disproportionate Minority Contact, which was well attended and provided interesting information from other communities.

Mr. Brown said he attended the LTD business outreach at Plaza Latina. He hoped that more information about the "no build" option for the West Eugene EmX would be made available. He also attended meetings of the Human Rights Commission and Police Commission Use of Force Subcommittee. He found a discussion of homelessness at a recent City Club meeting interesting and useful, but noted that the basic problem was lack of money. He was disappointed at a recent meeting about downtown solutions, which appeared to be focused on the needs of television and unlikely to provide the council with useful tools for making decisions.

Ms. Solomon agreed that the Economic Development Summit was well attended and a number of interesting ideas were generated. She also attended a meeting of the Human Services Commission.

Mr. Poling expressed concern about an individual who persisted in sending hundreds of email messages to councilors, which had no substance and clogged the communications system.

Mr. Zelenka also attended the Economic Development Summit and thought there could have been more information about how the region could be best positioned for the new “green” economy. He attended meetings of the Sustainability Commission and two neighborhood associations. He commended Police Auditor Mark Gissner for his presentations to the neighborhoods. He corrected a misstatement in The Register Guard by pointing out that the council’s intent was to review the use of Tasers after, not before, the Police Commission Use of Force Subcommittee had completed its work. He commended City employees who had received awards and noted that the Library Foundation had received a \$1.2 million grant. He asked if information was available on the financial impact should Measure 66 and 67 fail in January 2010. Assistant City Manager Sarah Medary, said that staff were developing an impact analysis for the council.

Mr. Clark also expressed disappointment over the lack of a frank discussion of public safety at the downtown solutions meeting. He said that the EMS Subcommittee recommendations would address solutions to ambulance service funding problems.

Ms. Taylor complimented City Manager Jon Ruiz for his responses to questions at a recent neighborhood association meeting. Regarding the NLC, she indicated she was also a member of the Universities Communities Council that provided a forum for the discussion of problems and ideas. She hoped the City could become involved in the International Town and Gown Association. She said treatment of the river through San Antonio could provide some useful ideas for Eugene’s millrace.

Ms. Medary expressed her appreciation for the partnership among jurisdictions and agencies that was demonstrated at the Economic Development Summit. She announced that closed captioning was now available on broadcasts of council meetings. She and the Mayor met recently with a University official to discuss Oregon 2020, a vision for a vibrant residential campus.

Ms. Piercy remarked that Eugene was active with the Town and Gown Association.

**B. WORK SESSION:  
Downtown Public Safety Issues**

Planning and Development Executive Director Susan Muir and Police Chief Pete Kerns provided an overview of the Downtown Safety Task Team, which they co-chaired.

Ms. Muir highlighted the four core strategies: Jobs and Redevelopment, Safety, Parking, and Amenities and Attractions. She said the council had stressed that safety was the cornerstone to fostering a vibrant downtown. The task team was developing projects related to each of the strategies and was tentatively scheduled to present those at the council’s December 16 meeting.

Chief Kerns said there was no doubt that crime in downtown significantly affected its livability and the ability of businesses to prosper. He reviewed the composition of the task team, which included a wide range of stakeholders and described its community policing/problem-solving approach to downtown issues.

Problems identified to date included lack of accountability/consequences, illegal and unpleasant behavior, lack of a cohesive/coordinated plan and aspects of the physical space and environment. He said the task team would develop strategies for solving those problems and present them to the Executive Team, which would then consider them in developing the FY 2011 budget and long-range planning.

Chief Kerns said the task team heard a presentation about a Portland model in which a security firm established by former police officers worked collaboratively with the Portland Police Bureau, social services and the business community to successfully deal with crime in the downtown area. He said the security firm employed retired police officers who worked as armed security officers. Task team members would travel to Portland to see the program in operation. He used a slide presentation to demonstrate the Eugene Police Department's (EPD) use of data-led policing to identify hotspots for behavior crimes and focus enforcement efforts.

Chief Kerns said the task team was working on a range of solutions, some of which could be implemented immediately and some of which were long-range, and exploring models like Portland's for way to improve minor violation enforcement. He said some of the solutions might require additional policy tools.

Ms. Piercy said community residents were very concerned about property crime and would be relieved to have strategies to address the problem.

Mr. Clark thanked Ms. Muir, Chief Kerns and task team members for their efforts. He distributed a document entitled *Downtown Public Safety Info and Worksheet*, which he hoped would focus discussions on specific problem behaviors and situations and whether council action would be required to implement solutions. Chief Kerns replied that he was interested in the council's discussion of policy tools such as granting authority to private security firms to assist law enforcement and banning the sale of fortified beer and wine.

Mr. Brown felt the use of technology to identify hotspots had great potential. He asked if it could be applied to the entire City and the types of crimes that were committed. Chief Kerns said it required significant restructuring within the department to obtain and map current and accurate data that was actionable; therefore efforts were being focused on reducing property crime and crime in the downtown core.

Mr. Brown asked if the private security officers in Portland received pay comparable to police officers. Chief Kerns said he assumed the pay scale was lower for the private security officers, who were "certified, armed security officers," a classification within Oregon Revised Statutes.

Ms. Ortiz was supportive of considering an ordinance which would authorize a program similar to the Portland model. She asked if the exclusionary zone was a useful enforcement tool. Chief Kerns said the zone was effective to the extent it had been used, but enforcement efforts could be more assertive.

Mr. Poling commented that the problem of downtown safety was not new and thanked Mr. Clark for bringing it forward. He looked forward to recommendations from the task team and was interested in more information about the use of private security officers to augment law enforcement. He thanked business owners in the downtown area who had persevered despite the problems they faced. He said there was a perception throughout the community that public safety was a serious concern downtown.

Mr. Zelenka thanked task team members. He was interested in seeing a map of hotspots throughout the City. He asked if there was an analysis of the impact of the exclusionary zone and more officers on the

crime rate downtown. Chief Kerns noted that there were more officers downtown only in the summer. He was not certain that much could be learned about the effect of a single strategy, particularly in the current economic environment.

Mr. Zelenka said that the public had identified property crime as a major concern and agreed that no single strategy was going to solve the problem. He supported the work of the task team and looked forward to its recommendations, but any strategies would be coupled with development that changed the downtown environment and attracted more people into the core. He was interested in more information on the Portland model. Chief Kerns said he heard from downtown residents and business owners that one of the first steps to a vibrant downtown was making it safe. He said Eugene had fewer social services and police per capita, and fewer jails cells, than other comparable communities across the country and as a consequence had the fastest growing crime rate.

Mr. Pryor agreed with Mr. Poling that problems downtown had existed for some time. He was willing to take action to address those problems, rather than pass them on to future councils. He looked forward to the task team's recommendations and hoped they represented actions that the council could take. He felt there was more that could be done to address illegal behaviors and behaviors that were legal, but threatening and intimidating and kept people away from downtown, such as aggressive panhandling. He said public safety was part of the infrastructure and would need to be addressed in order to attract development and people to the downtown area.

Ms. Solomon concurred with Mr. Pryor that it was time for the council to move to implementation of solutions. She asked about use of zones in which smoking was banned and whether that would apply to the plaza at Broadway and Willamette Street. Ms. Medary said the zones applied to public facilities where there was youth-specific programming, such as the library, and inclusion of the plaza could be explored.

Mr. Clark asked if the task team recommendations would include leveraging other resources to assist law enforcement beyond the Portland model and a ban on certain liquor sales. Ms. Muir said the task team was considering a comprehensive package of options and determining which should be recommended for downtown.

Mr. Clark said the council had pursued a number of initiatives to improve downtown, but unless the public safety environment was addressed it would continue to be difficult to attract or retain viable businesses. He felt it was an enforcement problem and EPD needed to have the officers and enforcement tools required to do the job. He asked how many additional officers were needed to adequately deal with public safety downtown. Chief Kerns estimated that a total of 10 to 12 officers were necessary to cover the days of the week and hours of the day when there was the greatest need and conduct proactive community policing efforts. He said that presumed that the problem could be resolved only with enforcement, which he did not believe was the case.

Mr. Clark asked if the task team was looking at whether the location of certain services downtown was unintentionally drawing certain undesirable behaviors to the area. Chief Kerns said the task team was examining that question.

Mr. Zelenka agreed with Chief Kerns that a holistic approach that was not limited to increased enforcement was needed. He said simultaneous actions on several fronts were needed to create a safe and inviting environment. He pointed to a number of projects that were already in progress.

Ms. Taylor stated that downtown needed more activities like the art walks and Eugene Celebration to draw people to the area. She suggested charging fees for empty buildings to encourage owners to make them affordable for tenants. She was completely opposed to the exclusionary zone as it only moved people elsewhere in the community.

Ms. Ortiz asked if the task team was looking at ways to address aggressive panhandling. She said that problems with the sale of certain types of alcohol beverages elsewhere in the community had been dealt with through discussions with the business owners. She understood that only the Oregon Liquor Control Commission had the authority to impose restrictions. She asked what services downtown were perceived as drawing undesirable behaviors as most social service agencies were outside the downtown core.

Mr. Brown asked for clarification of a statement in Mr. Clark's handout related to downtown events and efforts that did not work for all of the community. Mr. Clark replied that many events, while intended to appeal to all residents, did not attract people from the northern part of the City. Those residents did not feel safe downtown and were not interested in the type of events that were offered; they regarded the Oakway Center as their "downtown."

Mr. Brown asked if data indicated that Eugene provided more social services than other communities and which programs would be better located outside of the downtown area. Mr. Clark said his point was that Eugene spent more on those services than other cities of a comparable size, but public safety was dramatically under-funded by comparison to those same cities. He pointed to programs like The Dining Room and a methadone clinic as creating a problem environment.

Mr. Brown asserted that providing those types of services reduced criminal behaviors

Mr. Pryor encouraged the council to focus on addressing inappropriate behaviors and the relatively small number of people who were responsible for them, rather than social services and the people they assisted. He said the problem needed to be clearly defined and those who were causing it identified before effective solutions could be developed.

Ms. Piercy felt that social services and public safety were integral parts of a comprehensive system. She said there appeared to be interest among councilors in task force recommendations related to enhanced enforcement through the use of security officers and limitations on the sale of certain beverages.

Mr. Clark agreed that many in the homeless population were community residents who had encountered financial hardships, but a majority of the people concentrated in the downtown area had come into Eugene from elsewhere. He wanted to see a better balance between investments in social services and public safety systems.

Ms. Medary stressed that leadership in the community was committed to making a difference and there were many initiatives under way to improve downtown and the broader community.

Ms. Taylor agreed that many people downtown had moved to Eugene from other communities and were deliberately homeless. She asked if there were public restrooms downtown. Ms. Muir replied that there were several public restrooms downtown and the hours they were opened had been expanded and security enhanced. She said there had been discussions about improving signage to make their locations better known.

Mr. Zelenka remarked that based on his experiences on the Human Services Commission he felt the vast majority of people using social services in Lane County were local residents. Ms. Piercy added that the annual count of homeless people did demonstrate that most of them were local.

**C. WORK SESSION:**

**Adoption of Ordinances Concerning the Plan Designations for the “River Ridge” Site to the Low Density Residential Designation**

City Attorney Emily Jerome explained that the council had adopted a single ordinance that changed the Metro Plan designation of the subject site, which was inside the urban growth boundary, but included portions both inside and outside City limits. She said Lane County approval was required for the portion outside the City limits and the County’s action was postponed until February 24, 2010. That would suspend the City’s action on the portion inside the City limits until the County acted because of the single ordinance. She recommended separating the action into two actions.

Mr. Zelenka, seconded by Mr. Clark, moved to adopt Council Bill 5017, an ordinance returning those portions of the River Ridge site that are inside the City limits, to the low density residential designation contained in Attachment A.

Mr. Poling, seconded by Ms. Solomon, moved to amend the ordinance by adding a new Section 5 that states: “By operation of this Section, upon the effective date of its future annexation to the City of Eugene, the portion of the property identified as Tax Lot 304 of Assessor’s Map 17-03-07-00 as shown on the attached Exhibit E shall be automatically redesignated on the Metro Plan diagram and in the Willakenzie Area Plan to the Low Density Residential (LDR) designation.”

Ms. Ortiz asked if other steps were required as part of the annexation process. Ms. Jerome said the property, if designated LDR, could not be have any substantial development on it without being annexed and going through a land use process that would trigger review actions such as a traffic impact analysis.

Mr. Clark asked if it was accurate that the ordinance would not have any significant traffic impact. Ms. Jerome said it would not and the change was based on analysis by the Land Conservation and Development Commission (LCDC), which urged the action. She said taking action was a policy decision by the council.

Mr. Poling asked why the County had asked the City to submit a traffic study of the area. Ms. Jerome said the council’s reliance on information from LCDC was sufficient and she was surprised by the County’s request.

Mr. Poling pointed out that the council’s action was only necessary because when the hand-drawn original plan diagram was converted to digital technology, the site was inadvertently redesignated during “house-keeping” actions; the correction was long overdue.

Mr. Zelenka said he was troubled by taking action that affected the Willakenzie Refinement Plan, which designated the site as open space. He said the plan went through an extensive public process and reflected the desires of residents in the area; it should be given weight. He reconsidered his original vote on the matter and would support the Willakenzie Refinement Plan.

Mr. Pryor stated that the genesis of the problem was a mistake and that should be corrected. He said the site was not open space; it was private property that included a golf course. He said refinement plans should be given weight, but in this case the plan was based on an error.

Mr. Clark agreed with Mr. Pryor. He supported neighborhood planning and stressed the importance of giving all property owners appropriate notice of potential changes.

The motion to amend passed, 5:3; Mr. Zelenka, Mr. Brown and Ms. Taylor voting no.

Mr. Zelenka asked if taking action that would result in the site being automatically designated as LDR upon annexation was considered as binding a future council. Ms. Jerome said it did not because a future council could take a different action.

The main motion as amended passed, 5:3; Mr. Zelenka, Mr. Brown and Ms. Taylor voting no.

Mr. Zelenka, seconded by Mr. Clark, moved to adopt Council Bill 5018, an ordinance returning those portions of the River Ridge site that are inside the City limits to the low density residential designation contained in Attachment B. The motion passed, 5:3; Mr. Zelenka, Mr. Brown and Ms. Taylor voting no.

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Jon Ruiz  
City Manager

*(Recorded by Lynn Taylor)*



**MINUTES**

Eugene City Council  
McNutt Room—City Hall—777 Pearl Street  
Eugene, Oregon

December 14, 2009  
5:30 p.m.

**COUNCILORS PRESENT:** Alan Zelenka, Mike Clark, Andrea Ortiz, Jennifer Solomon, Chris Pryor, George Poling, George Brown, Betty Taylor.

Her Honor Mayor Kitty Piercy called the work session of the Eugene City Council to order. She adjourned the meeting of the Eugene City Council and convened a meeting of the Eugene Urban Renewal Agency (URA).

**A. WORK SESSION:  
Beam Development Project Update**

City Manager Jon Ruiz introduced Nan Laurence, Planning and Development Department, to present the Beam Development project update.

Ms. Laurence provided an overview of the URA's agreement with Beam Development for the acquisition of the Washburne Building, Centre Court Building and adjacent vacant parcel. She said the purpose of the work session was to keep the project moving forward by amending the Purchase and Sale Agreement (PSA). She referred to the amended PSA included in the agenda packet and described the proposed changes in phasing, timing and financing that were necessitated by the economic downtown, constricted lending environment, reduced demand for new office space, and tax credits that were not feasible or significantly reduced.

Ms. Laurence highlighted the proposed changes:

- **Phasing/timing:** proceed in a phased approach with rehabilitation of the Centre Court as Phase I and new construction in Phase II; extend date for submission of building permits to May 1, 2010, complete rehabilitation by Fall 2011
- **City lease commitment:** phasing of the project would remove the City's commitment to lease
- **Financing:** the amount of public investment—Housing and Urban Development (HUD) 108 loan and Brownfield Economic Development Initiative (BEDI) grant funds—unchanged, private investment reduced from \$8 million to \$785,000 for Phase I; BEDI grant repaid from distribution of net proceeds based on the percentage of financial investment (60 percent City and 40 percent Beam)
- **Tenant commitments:** Beam to demonstrate tenant commitments sufficient to cover interest payments prior to use of HUD 108 funds – 50 percent pre-leased

Mr. Zelenka arrived at 6:20 p.m.

Mr. Ruiz characterized the amended proposal as a good investment and said he was impressed with Beam's commitment to making the project, which was in the heart of downtown, a success. He thought the type of office space would add a new dimension to the inventory of available space. He encouraged the council to continue the project's forward movement.

Ms. Piercy commented that the project continued to meet the council's goals for revitalizing downtown and was pleased with Beam's intent to capture as much of the original architectural flavor of structures as possible.

Mr. Brown asked if housing units were a part of the project and what impact the \$7 million reduction in private funding would have. Ms. Laurence said that it had been determined that housing units were not financially feasible as part of the project. Less private funding meant that the historic character of the building's exterior would be restored at a lower standard and the interior rehabilitation design would be different.

Mr. Brown questioned whether there was sufficient demand for more office space. Ms. Laurence replied that potential tenants had been identified and the leasing agency for the project indicated that the space was unlike any other available in Eugene and therefore had its own market. She said rents would be lower than what was typical for new construction.

Mr. Brown asked about the status of the Washburne Building. Ms. Laurence said rehabilitation of that building was always perceived to be a later phase of the project, once work was completed on Centre Court. Mike Sullivan, Planning and Development Department, noted that the Washburne Building already had tenants and was in better condition than the Centre Court.

Mr. Clark said the anticipated rent of \$1.45 per square foot did not seem particularly low. Ms. Laurence said rents would be between \$1.25 and \$1.45 and would provide tenants with options such as renting smaller spaces and spaces with a lower level of finish. She said the space represented a new product.

Mr. Sullivan added that there was currently no equivalent space in the market. He said that tenants would have the option of refitting space to suit their preferences. The urban industrial design of the space was currently popular in the marketplace.

Mr. Clark expressed concern with the amount of space that would be added to the market and the size of the City's investment. He pointed out that the project had been chosen because of Beam's ability to restore the building's historic structure. Mr. Sullivan said that Beam had approached the State Historic Preservation Office about a more comprehensive historic redevelopment and was told that the extent of previous alterations meant the level necessary for a higher tax credit could never be achieved. Ms. Laurence said the building had sustained some water damage and was undergoing mold abatement.

Mr. Clark said he was supportive of downtown revitalization efforts and appreciated Beam's commitment to the project. He asked if using HUD 108 and BEDI funds for the Beam project meant that other opportunities would have to be bypassed while the City waited for the project to come to fruition. Mr. Sullivan said that could be a concern if there was a lengthy delay on the project, but Beam had strong interest from tenants at a level that would allow Beam to meet the interest-only obligation on the HUD 108 loan.

Mr. Poling asked if all available HUD 108 and BEDI funds were committed to the Beam project and whether funds could be used for other purposes such as street repair. Mr. Sullivan said the HUD 108 loan

was the full amount that could be borrowed and the City had received the maximum amount of BEDI grant funds; additional funds would not be available until the loan was repaid. He said the funds were earmarked for economic development such as the Beam commercial development project. He said a project might include some infrastructure, but it would need to be related to job creation.

Mr. Poling said he had some concerns with the proposed changes, but was inclined to support them because of Beam's demonstrated commitment. He asked if there was any guarantee that Phase II would be implemented. Ms. Laurence said there was no guarantee, but the PSA terms gave Beam 12 months, from May 2010, to May 2011, to move forward or the URA had the right to repurchase the property.

Mr. Poling asked what options the City had if the project did not attain a positive cash flow. Mr. Sullivan said there were multiple strategies. He noted that the BEDI funds were a grant that the City did not have to repay. He said the first option was that the project moved forward as planned and could meet its obligations; another option was that the HUD 108 loan could remain in interest only for an extended period of time; and finally, the City had first collateral position on the property if it had to reacquire it because of lack of performance. He said Beam had a good track record and he felt confident in the development proposal.

In response to a question from Mr. Pryor, Ms. Laurence said if the council did not approve restructuring of the PSA to allow a phased approach she did not think it would move forward. She said the developer was out of compliance with the current PSAQ because building permits were not yet submitted.

Mr. Pryor said while amending the PSA would mean an increased level of risk, there was also the increased potential for payoff if the project went forward as planned. He felt the City should take advantage of the opportunity to provide the catalyst for downtown revitalization.

Mr. Zelenka also viewed the project as a catalyst, but said the question was whether the project still represented a wise use of public funds. He asked for clarification of changes in the financial structure of the PSA. Ms. Laurence explained that the developer fee was deferred and the 60/40 split of net proceeds after debt service would continue until the BEDI grant funds were repaid. She said that Beam would need to have 25,000 square feet rented in order to cover debt service and there appeared to be that level of interest from potential tenants. She said the City wanted to see about 50 percent of the building pre-leased before Beam began to draw on the HUD 108 funds.

Ms. Piercy said that the need for "incubator space" was identified at the recent Economic Summit.

Ms. Taylor stated that the council should take advantage of the opportunity; the risk was in not taking any action.

Mr. Brown asked if there were concerns with asbestos and seismic issues. Mr. Sullivan said a prior owner had considered residences on the upper floors and determined that it was not feasible, primarily because of the cost of a seismic retrofit. Ms. Laurence added that Beam was addressing seismic requirements in the code, but the Beam project did not represent a change in use.

Mr. Clark agreed that Beam was committed to the project, but it now appeared there was no definitive plan to fill the pit on the vacant parcel, which had been a goal. He asked if the council should consider putting the project back out to bid to determine if there was another developer with a plan and the capacity to rehabilitate the Centre Court and refill the pit. Ms. Laurence said there had been discussions with a number of developers locally and outside the community about interest in the vacant parcel. She understood from

responses that if the Centre Court project went forward that could make the vacant parcel more interesting to developers. She said obtaining financing for a new office building was nearly impossible in the current economy and no other developers were interested in preserving the Centre Court.

Mr. Zelenka observed that the Centre Court had been vacant for 10 years without another developer expressing an interest in it and Beam provided the best opportunity for preserving a significant building in the heart of downtown. He asked how renovation of the Centre Court consistent with the project description would be guaranteed. Ms. Laurence said that images and a description of the completed building design would be included in the PSA. She explained the process for obtaining HUD approval for use of funds for rehabilitation and anticipated no problem with having funds available by the end of February 2010. Mr. Sullivan added that the terms for repurchase of the building in the event of default would be enumerated in the PSA.

Mr. Zelenka, seconded by Mr. Clark, moved to direct the Agency Director to amend the Purchase and Sale Agreement consistent with Attachment A: Outline of Terms. The motion passed unanimously, 8:0.

Ms. Piercy adjourned the meeting of the Eugene Urban Renewal Agency and reconvened a meeting of the Eugene City Council.

## **B. WORK SESSION: Downtown Projects**

Mr. Ruiz said the work session was a continuation of the council's discussion of downtown economic development and an opportunity for the council to provide direction for a subsequent work session.

Amanda Nobel Flannery, Planning and Development Department, used a slide presentation to review the four strategies to foster a vibrant downtown and boost local economy and their associated projects:

- Jobs and Redevelopment
  - Lane Community College Downtown Center
  - Veterans Affairs (VA) Clinic
  - Business Assistantance & Housing
  - Green Infrastructure
  - Beam Development
- Safety
  - Coordination, Physical Space, Illegal Behavior and Consequences
- Parking
  - Rebranding, Easy Payments and Free Parking
- Attractions and Amenities
  - Arts and Entertainment District

Police Chief Pete Kerns said the Downtown Public Safety Task Team was developing a comprehensive strategy to present to the executive team. An operations plan would be established and questions regarding budgeting and policy referred to the council.

Ms. Nobel Flannery referred to the agenda packet, which contained detailed information about projects and potential impacts. She said public events to obtain feedback on projects would be held in early January

2010, and a work session with the council was scheduled for January 13. She said a website had been created to provide information on downtown activities and opportunities to participate ([www.vibranteeugene.org](http://www.vibranteeugene.org)) and another work session would be scheduled in February.

Ms. Piercy said the strategies and projects fit together in a vision for downtown.

Mr. Clark said that improved public safety, free parking and making it more profitable to redevelop properties without large public subsidies were essential to revitalizing downtown and he was pleased that these items were reflected in the strategies and projects. He reminded staff that his original poll of the council addressed free parking downtown, not more convenient and affordable parking, and that was still his goal. He said staff had indicated the cost of providing free parking downtown was \$600,000, while the cost in the parking project description included rebranding estimated at \$500,000, with an additional \$200,000 for occasional free parking. He felt it would be better to invest those funds in meter-free parking downtown instead of more convenient parking. Mr. Ruiz said staff continued to explore options for free parking downtown. He pointed out that the cost of rebranding was a one-time expenditure and the \$600,000 cost to provide free parking was an ongoing expense.

Ms. Taylor questioned how a downtown VA clinic would contribute to the health of citizens throughout the community. She noted that additional parks had not been mentioned in the list of projects and agreed with Mr. Clark that free parking was a good investment for downtown and spending money on rebranding would irritate people. She felt that all of the strategies were leading to urban renewal.

Ms. Ortiz left the meeting at 6:45 p.m.

Mr. Pryor recognized the council and community's interest in seeing actions occur and felt that the strategies, projects and staff efforts were leading in that direction at an appropriate pace. He looked forward to discussions about how urban renewal could be used effectively to support downtown revitalization efforts.

Mr. Brown asked if Lane County had expressed an interest in selling the Butterfly Lot. Mr. Sullivan said staff had developed a preliminary estimate of the cost to acquire and redevelop that property. He said providing expansion space for the Farmers' Market and expanding the Park Blocks had been a long-held vision, but there would need to be extensive discussions with the market and County in order for that to occur.

Mr. Zelenka was not in favor of providing free parking because of the budget impacts and preferred a more strategic approach. He asked if the Butterfly Lot was the only option for a Farmers' Market expansion. Ms. Laurence said the market wanted space that would continue its connection with the Saturday Market and Park Blocks.

Mr. Zelenka wanted to see more options for the Farmers' Market, as well as a pocket park as part of a project. He appreciated efforts to improve public safety, but that was insufficient as a stand-alone strategy without more people and activities downtown. He wanted information on other financing options besides urban renewal and asked for a memorandum on the status of the urban renewal district.

Ms. Piercy doubted that Lane County would be interested in selling the Butterfly Lot, but there could be other opportunities for acquisition or trade. She encouraged developing a vision that included many strategies even though some might not be achievable initially.

Mr. Clark stated that the Farmer's Market and Saturday Market successfully attracted many people downtown and the council should do as much as possible to support those efforts. He encouraged the City to investigate opportunities to acquire property for a permanent market facility downtown, including the possibility of swapping land with the County. He said that a new VA clinic should also be supported to the fullest extent as it would not only provide needed services; it represented the creation of jobs and careers.

Ms. Piercy stressed the importance of a new VA clinic with the large number of veterans returning to the community from active duty.

The meeting adjourned at 7 p.m.

Respectfully submitted,

Jon Ruiz  
City Manager

*(Recorded by Lynn Taylor)*

## MINUTES

Eugene City Council  
Regular Meeting  
Council Chamber—Eugene City Hall  
777 Pearl Street—Eugene, Oregon

December 14, 2009  
7:30 p.m.

COUNCILORS PRESENT: Chris Pryor, George Brown, Andrea Ortiz, George Poling, Mike Clark, Betty Taylor, Jennifer Solomon, Alan Zelenka.

Her Honor Mayor Kitty Piercy called the meeting of the Eugene City Council to order.

## 1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

**Bill Miranda**, P.O. Box 7311, asked that the council review the policy regarding the extension of building permits. He explained that construction was based on economic trends and, at present, it was difficult to get a construction loan. He said currently there were no new construction loans. He stated that he had a permit that was expiring and stood to lose approximately \$5,000. He had spent \$3,500 on an engineer to address stormwater issues. He noted that the stormwater requirements were a new arena for the City of Eugene. He asked that the date on his application be extended for six months.

**Majeska Seese-Green**, 5<sup>th</sup> Avenue and Van Buren Street, Councilor Ortiz' ward, provided copies of a brochure from the citizen group she had helped to organize, Police and Community Together (PACT). She said PACT was a project of A Community Together (ACT) Lane County, a non-profit group. She reiterated her concern that emails to councilors were not always being read and suggested that they simply acknowledge them. She appreciated that the council was going to look into taser use. She considered it to be an important issue. She noted that the Police Commission had been asked to work on recommendations on the policies. She averred that the community and the Police Commission had never been asked if the Eugene Police Department (EPD) should have tasers in the first place. She felt it was appropriate that the council was taking up the subject.

**Eugene Drix**, 307½ High Street, considered being able to speak before the City Council as part of living in a democracy. He related that he had attended a conflict resolution seminar. He noted that he had almost had a heart attack and had undergone a medical procedure. It had reminded him that life was precious and short. He said the conflict resolution seminar had taught him that they should look at any scenario and ask what the best and worst outcomes there could be. He gave a gift to the council of a soda advertisement featuring a Santa Claus that looked like the gentleman that had led the conflict resolution seminar. He concluded his testimony by suggesting that the town rename itself "We-gene."

**Daniel Lewis Frommherz**, 4140 Concord Street, provided his testimony in writing. He listed his three points of concern, which were public safety in the downtown area, the city center core and getting it back to work in conjunction with public safety, and that Eugene should be "open for business." He preferred for the councilors to read his written testimony and asked that they give him a call if any of them felt there was any merit to his testimony.

Mayor Piercy closed the Public Forum. She said she was glad Drix had recovered. She noted that the Planning Director had talked with Mr. Miranda regarding his concerns. She also thanked Ms. Seese-Green for her comments and she looked forward to reading Mr. Frommherz' testimony.

## **2. CONSENT CALENDAR**

### **A. Approval of City Council Minutes**

- **September 30, 2009, Work Session**
- **October 5, 2009, Boards, Commissions, and Committees Interviews**
- **October 12, 2009, City Council Meeting**
- **October 13, 2009, Boards, Commissions, and Committee Interviews**
- **October 19, 2009, Boards, Commissions, and Committee Interviews**
- **October 19, 2009, Public Hearing**
- **October 26, 2009, Work Session**
- **October 26, 2009, City Council Meeting**

### **B. Approval to Tentative Working Agenda**

### **C. Appointment of Civilian Review Board Representative to Police Commission**

Councilor Zelenka, seconded by Councilor Clark, moved to approve the Consent Calendar. Roll call vote; the Consent Calendar was approved by a unanimous vote, 8:0.

## **3. PUBLIC HEARING and ACTION:**

### **Resolution 4993 Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2009, and Ending June 30, 2010**

City Manager Jon Ruiz summarized the Supplemental Budget. He underscored that it would not initiate any new programs or divert any funding.

Mayor Piercy opened the public hearing.

**John Barofsky**, 2010 Hubbard Lane, Councilor Zelenka's ward, thanked finance staff for bringing some of the members of the Budget Committee "up to speed" on the Supplemental Budget. He expressed concern that the City was not transferring \$900,000 to capital. He noted that the City had transferred less than \$400,000 of the \$900,000 in the previous budget year. He said this meant that approximately \$1.4 million in the past year and the present one had not gone to meet the City's capital needs. He had also noticed a large difference in the marginal beginning working capitals, both in the General Fund and in several of the other funds. He stated that there was a \$5 million transfer in money that had not been spent in the previous year and it was going into the Reserve for Revenue Shortfall. While he understood that this was prudent, given the current uncertainties, he also thought they should consider capital needs and the fact that they were not putting the money into capital and were already below industry standard in that regard. He felt they were taking the risk of falling into the same situation they had experienced in the backlog of road repair.

Mayor Piercy closed the public hearing. She thanked Mr. Barofsky for his testimony, noting that he chaired the Budget Committee. She said there was a committee working on some long-term funding solutions that would, hopefully, lead toward something they could do so they would not have to "take from Peter to pay Paul."

City Manager Jon Ruiz said for a truly sustainable budget they needed to fund the maintenance of all infrastructures. He commented that, at this particular moment, as they moved into the FY11 budget process, he wanted to make sure they had enough, and as much flexibility as they could, knowing they were trying to fill a gap going forward.



Councilor Zelenka remarked that it was regrettable that they were not adding money into the capital fund for buildings, but the dire circumstances the City faced meant they were barely able to keep the existing services intact.

Councilor Zelenka, seconded by Councilor Clark, moved to adopt Resolution 4993 adopting a Supplemental Budget; making appropriations for the City of Eugene for the Fiscal Year beginning July 1, 2009, and ending June 30, 2010. Roll call vote; the motion passed unanimously, 8:0.

Mayor Piercy adjourned the meeting of the Eugene City Council and convened the meeting of the Eugene Urban Renewal Agency at 7:51 p.m.

#### **4. PUBLIC HEARING and ACTION:**

##### **Resolution 1053 Adopting a Supplemental Budget; Making Appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal year Beginning July 1, 2009, and Ending June 30, 2010**

Mayor Piercy opened the public hearing. There were no members of the public who wished to testify and Mayor Piercy closed the public hearing.

Councilor Zelenka, seconded by Councilor Clark, moved to adopt Resolution 1053 adopting a Supplemental Budget; making appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal Year beginning July 1, 2009, and ending June 30, 2010. Roll call vote; the motion passed unanimously, 8:0.

Mayor Piercy adjourned the meeting of the Eugene Urban Renewal Agency and reconvened the meeting of the Eugene City Council at 7:52 p.m.

Councilor Ortiz requested the opportunity to place a motion on the table.

Councilor Ortiz, seconded by Councilor Zelenka, moved to place a resolution on the table in support of Ballot Measures 66 and 67.

Councilor Ortiz stated that all of public safety was in a continuum and the failure of the ballot measures would negatively affect those agencies and senior services and schools among others. She read the resolution language, which had come from the Oregon School Board Association (OSBA) web site, into the record.

Councilor Clark felt it was shameful that the Legislature had put the State in this situation. He opined that it was financially irresponsible for the Legislature to place citizens in this circumstance, knowing that this package would be referred to the ballot by signatures. He averred that the State of Oregon had increased its budget with every biennium, and had doubled its budget over the course of ten years. He did not think the state could continue to increase its spending at this rate because it was unsustainable. He stated that the budget, as proposed, was \$53,760,000,000, and the budget in the last biennium had been \$48,003,000,000. He believed that continuing on this course would ultimately bankrupt the state.

Councilor Brown supported the resolution “wholeheartedly.” He noted that he was a small business owner who paid a \$10 corporation fee every year that, with the passage of the measures, would be increased to \$150. He did not feel burdened by having to pay this to “protect our schools.” He declared it vital that the state had good education; it was part of the infrastructure that would attract businesses to the state, as were the other services such as public safety.

Councilor Clark said the challenge they faced lay in the state continuing to spend in a way that was “irresponsible.” He averred that the average state wage was \$69,000 and the average wage in the private sector was \$33,000. He considered the state to be “out of whack” with the rest of its private economy. He opined that they could not keep

doing this and hoping it would get better. He said he would encourage the legislators to make better choices. While he believed there were many services provided by the state that were absolutely critical, there were some that were not. He cited an allocation of \$3 million for interstate highway rest stop attendants as one he did not feel was critical. He believed there were ways the state could cut money that would not impact the schools. He opined that they should look at the private industries as a valuable resource they should protect and nourish and should not squeeze. He said they should look for ways to increase employment, which would increase the income tax revenue.

Councilor Zelenka urged his colleagues to support the resolution. He commented that the corporate tax had not been increased from \$10 since 1931. He said small businesses would be protected and would only have modest tax increases. He averred that Oregon ranked 26<sup>th</sup> out of 50 states in tax burden. He believed the ballot measures were a small price to pay to avoid pretty substantial cuts to public education.

Councilor Pryor believed that everything Councilor Clark said was true, but the challenge for him was to try to solve the macro problem locally so that it did not affect local people. He related that human service providers had been instructed to prepare for up to 20 percent in cuts for the next year. He said whether the Legislature dealt with the issue or not, they would still have to cut 20 percent, which meant that some seniors would not receive their Meals on Wheels and some domestic violence services would be unavailable, among others. He agreed that it was a shame that they should be backed into a corner to have to make this type of choice. He intended to vote for it with the full recognition that this was not the position he would want to be in, but he could not take food out of the mouths of seniors because of what happened in Salem. He underscored that there would be significant cuts if the ballot measures failed.

Councilor Poling was not certain how he would vote when he received his ballot. He said he would vote against the resolution at this point. He appreciated the position that social services, public safety, and education were in, but he felt they had been used as the magic carrot to dangle in front of the taxpayers every year. He believed the state needed to live within its means.

Councilor Clark reiterated his belief that the Draconian cuts were unnecessary; the budget was larger than it had been in the last budget biennium.

Mayor Piercy stated that there was a revenue shortfall that would affect people in many ways. She expressed appreciation for an article that had been in *The Register-Guard* over the weekend, an opinion piece in support of the measures written by a local small business owner. She felt that the business owner knew that educating students helped businesses.

Councilor Taylor commented that if there were things wrong with the State they should remember that they were the State. She said it behooved them to try to help the State figure out how to save money, but if the measures did not pass, people would suffer in the short-term. She felt that the measures only targeted people who could afford to pay.

Roll call vote; the motion passed, 5:3; Councilors Poling, Clark, and Solomon voting in opposition.

## **5. PUBLIC HEARING:**

### **Use of Federal Housing and Urban Development Section 108 Loan Guarantee Program/Brownfield Economic Development Initiative (BEDI) Funds for Construction Financing**

Mr. Ruiz said the public hearing was one of two steps the council must take, with the second one being council action regarding the funds – scheduled for January 11.

Mayor Piercy opened the public hearing.

**Brad Malsin**, 1001 Southeast Water Avenue, Portland, stated that Beam Development remained committed to try to energize and bring activity to the downtown area. He underscored that they were in “incredibly challenging times.” He said they realized that the City was helping them to get the project started. He noted that the project was shovel-ready. He related their belief that the redevelopment would bring jobs and would help incubate businesses and that their experiences in Portland portended what they would hopefully accomplish in Eugene.

**Hugh Prichard**, 2671 Emerald Street, Councilor Zelenka’s ward, testified in favor of approval of using the Brownfield Economic Development Initiative (BEDI) funds. He said he had not testified on any of the previous proposals for the site or the other downtown site because he believed that each of them had insurmountable problems. He felt that this project had surmountable problems, with the City’s financial help. He had gone to Portland and toured some of the Beam Development projects there. He had found the tour to be very informative and that Beam was a conscientious and good landlord. Everyone he had spoken with had good things to say, including one person who had “lived through” the reconstruction of one of their projects “for years.” He liked their concept of an open plan with “no frills” and that it would be much cheaper to build than something new. He recalled his experience with the Lincoln School apartments and the difficulties he and his partner had experienced in gaining financing. He encouraged the council to go forward in using these funds to help construction begin. He acknowledged that there were risks involved, adding that he “liked the level of fear in the room.” He said there would be no guarantees, but if he were a councilor he would vote for it.

Mayor Piercy closed the public hearing. She appreciated that Mr. Malsin had come from Portland to speak to the council. She had toured some of the Beam projects, along with Councilor Zelenka, and she agreed with Mr. Prichard.

Councilor Zelenka recalled touring the projects in Portland. He said what they were able to do there was to take old decaying buildings and turn them into vibrant buildings that flourished.

Councilor Zelenka, seconded by Councilor Clark, moved to place the resolution authorizing the use of the Department of Housing and Urban Development Section 108 Loan Guarantee Program and Brownfield Economic Development Initiative funds for the Beam Development rehabilitation of the Centre Court building on the Consent Calendar for January 11, 2010. Roll call vote; the motion passed unanimously, 8:0.

#### **6. PUBLIC HEARING and POSSIBLE ACTION:**

**An Ordinance Concerning Offenses and State Traffic Laws: Amending Sections 4.822, 4.874, 4.906, 4.930, 4.990, and 5.005 of the Eugene Code, 1971; Repealing Sections 4.820 and 4.825 of that Code; and Providing an Effective Date**

Mr. Ruiz stated that this action would change local codes so that they would be in accordance with recent changes to state criminal and traffic codes made during the 2009 legislative session.

Mayor Piercy opened the public hearing. She ascertained that no one was present who wished to speak on the matter and closed the public hearing.

In response to a question from Councilor Ortiz, City Prosecutor Dan Barkovic stated that the penalties for theft were located in a specific number as to what the maximum penalties would be. He said the penalties would remain the same, but the legislative changes to the body of the theft statutes had raised those threshold levels for the value of property taken as related to what someone would be charged with for engaging in an act of theft.

Councilor Clark asked if it was a fair statement to say that they were adjusting the dollar figure triggers on what was a municipal offense as opposed to a circuit court offense so that the City would have a greater capacity to prosecute a

dollar amount that was once considered a criminal offense to be handled by the circuit court. Mr. Barkovic affirmed this. He said the Legislature had built in what he termed to be “an inflation factor” on step statutes. He noted that the base levels of value of property had been in place for about ten years.

Councilor Clark predicted that the City would be doing more and more to compensate for what the County could not do. He thought that the County at present would not be able to do much if someone stole \$800 in property because they did not have the capacity, but the City might be able to prosecute because of its municipal jail beds. He was bothered that they were doing the County’s job, but he indicated he would support it because it would help the local citizens be safer.

Mayor Piercy noted that the City was obligated to align its own codes with state laws.

Councilor Zelenka, seconded by Councilor Clark, moved that the City Council adopt Council Bill 5019, an ordinance concerning Offenses and State Traffic Laws. Roll call vote; the motion passed unanimously, 8:0.

## 7. ACTION:

### **Infill Compatibility Standards**

**An Ordinance Concerning Parking Requirements for Multi-Family Housing; Amending the West University Refinement Plan; and Amending the Eugene Code;**

**An Ordinance Concerning Building Height in the University Area and Amending the Eugene Code;**

**An Ordinance Establishing the Jefferson-Westside Special Area Zone (S-JW); Applying that Zone to Specific Properties; Amending the Jefferson-Far West Refinement Plan; Amending the Westside Neighborhood Plan; and Amending the Eugene Code**

Mr. Ruiz thanked the community members and staff who had worked on the Infill Compatibility Standards (ICS) recommendations. He said when they arrived at the portion of the code regarding height limitations there would be some continued discussion.

Councilor Clark thanked the staff and City Manager for bringing the stakeholders together to work on the resulting compromise.

Councilor Zelenka, seconded by Councilor Clark, moved that the City Council adopt Council Bill 5014, an ordinance concerning parking requirements for multi-family housing and amending the West University Refinement plan.

Councilor Zelenka wanted to add back what the Planning Commission had recommended regarding tandem parking.

Councilor Zelenka, seconded by Councilor Brown, moved that the following sentence be inserted after the first sentence in subsection 9.6410(1)(c) and preceding the parenthetical reference to Figure 9.6410(1)(c):

“Those tandem spaces may only be located in an underground parking area or at least 30 feet from a public street within a parking area that can be accessed only from an alley.”

Councilor Ortiz asked where the number of feet had come from. Councilor Zelenka replied that there was a 10- foot setback in the existing language and the ICS group had recommended an additional 20 feet after that.

Councilor Brown said it made sense to restore the language to the original ICS recommendation.

Councilor Solomon asked Senior Planner Terri Harding why the Planning Commission had removed the language. Ms. Harding responded that the commission had wanted to encourage the use of tandem parking as broadly as possible. She related that by doing this it would allow some lots that had no alley access to utilize the tandem parking option. She said there were other protections in the code that limited the use of parking within the front setback and to 50 percent of the frontage of any lot.

Councilor Clark asked if the effect of the provision would be to allow tandem parking in fewer developments. Ms. Harding thought this was correct.

Councilor Clark asked if an affirmative vote on the amendment would create a demand for more on-street parking. Ms. Harding replied that she did not believe this was so because the tandem option validated an option that was already being built in a widespread fashion in that area, but could not be counted toward parking minimums.

Councilor Zelenka observed that there were almost no lots in the area that did not have alley access. He pointed out that the language had been unanimously supported by the ICS group. He said it was for esthetic reasons – instead of looking out on cars, windows would look out on the street and it would promote tandem parking, in the rear.

Councilor Pryor asked if there was an unintended consequence that it could limit or reduce the amount of tandem parking that could occur. Ms. Harding replied that it was true in certain situations, such as trying to do parking on the back of a lot that had street and alley frontage, using the alley.

Councilor Pryor asked if very many properties would be affected. Ms. Harding said this was hard to answer. She noted that the set of parking amendments applied to the whole West University Neighborhood (WUN) and the circumstance she had described was fairly typical of an intersection of a street and an alley.

Councilor Pryor said it was always possible to come back and amend it further if experience proved it necessary. Nonetheless he was not certain how to vote; he did want to have parking lots behind buildings but he did not want to cut out parking spaces. He asked if the Planning Commission had some information that led them to believe the language would have an impact on parking. Ms. Harding replied that they had testimony submitted to them from Landscape Architect, Carol Schirmer. She said the Planning Commission had recommended using language with the broadest applicability.

Mayor Piercy asked if it had been discussed in the ICS meetings, adding that the ICS had been a broad group. Ms. Harding replied that it had been discussed but she could not recall the vote on the item. Councilor Zelenka thought he recalled that the vote had been 15:1.

Roll call vote; the amendment passed, 6:2; councilors Solomon and Clark voting in opposition.

Councilor Brown, seconded by Councilor Zelenka, moved to delete Section 7 from Council Bill 5014 and to renumber sections accordingly so that ordinance would take effect in accordance with Section 32 of the Eugene Charter.

Councilor Brown said by removing the section the ordinance would go into effect in 30 days and this would not prevent someone from putting in a building permit in the interim.

Councilor Clark supported the amendment. He stated that while he shared the goal of limiting on-street parking to the greatest extent possible, he wanted to ensure that anything they passed would go into effect in the near term. He was concerned that people would be discouraged from engaging in public participation, such as a group like the one that worked on the ICS, if they saw that their work was disregarded or undone in any way.

Roll call vote; the amendment passed, 7:1; Councilor Solomon voting in opposition.

Roll call vote; the main motion passed, as amended, 7:1; Councilor Clark voting in opposition.

Councilor Zelenka, seconded by Councilor Clark, moved to direct the City Manager to monitor car-sharing programs in Eugene over the next nine months, and to report back to the council.

Councilor Zelenka related that the Sustainability Commission was very interested in looking into this issue.

Councilor Ortiz thought this fell under the responsibility of the Sustainability Commission and that the City Manager was too busy.

Councilor Ortiz offered a friendly amendment to direct the Sustainability Commission to monitor car sharing programs and to provide a report. Councilor Zelenka accepted the friendly amendment, as did the second.

Roll call vote; the motion passed unanimously, as amended, 8:0.

City Manager Ruiz observed that there had been continuing conversations among various stakeholders on the issue of building heights.

Ms. Harding stated that since finalizing the Agenda Item Summary (AIS) they had continued work on the issue, because it had continued to generate a lot of testimony. They had been trying to reach a further compromise to address the testimony and had provided the council with an alternate motion that would limit buildings to 65 feet, with no bonus for larger lots, in the South University Area Neighborhood (SUNA). She noted that the compromise was acceptable to the Home Builders Association.

Councilor Zelenka, seconded by Councilor Clark, moved that the City Council adopt Council Bill 5015, an ordinance concerning building height in the University area.

Councilor Zelenka, seconded by Councilor Brown, moved to amend the building height ordinance in Attachment C to make the following changes to subsections 9.2751(3)(b)2 and (3)(b)3.c:

- 1) Replace the words “75 feet” in all three of those subsections with the words “65 feet.”
- 2) Delete from all three of those subsections the words “except that on a development site of 10,000 square feet or more, a building may be up to 90 feet in height.”

Councilor Zelenka said his motion treated the WUN and the SUNA the same. He stated that the ICS group had come to near consensus. He did not feel the council had a good reason to overturn the task team’s consensus position. He believed that many people thought taller buildings were needed to achieve maximum density. He disagreed with this and felt that maximum density could be achieved in three stories.

Councilor Clark indicated that he would be willing to put forward the motion that staff had brought, crafted out of the compromise. He had heard that the ICS task team had broad representation but he considered this to be debatable. He felt that if there truly had been broad representation, it would not have been unanimously reversed by the Planning Commission, nor would ongoing negotiations have been needed. He averred that the continued negotiations indicated that not everyone felt the limit was reasonable. He wanted to ensure that, when working toward answers, they did not use a “bully” approach and say we have the votes so some people would be left out. He said Planning Commissioners were appointed after being interviewed, represented a broad spectrum, and had a certain amount of education about the matters they addressed there. He suggested that the Planning Commission

knew something that was perhaps not considered by the ICS task team. He believed the alternative motion protected the neighbors, but the WUN area was predominantly composed of student-related housing.

Councilor Brown averred that the ICS task team did represent a broad spectrum of people with a good deal of knowledge. He also did not believe the Planning Commission discussed the item for very long. He thought they should not disregard the work of the task team because it would send a terrible message to people in the City about how much their participation was valued.

Councilor Solomon understood that the staff motion applied to the SUNA area only. She ascertained that it would still be possible, with the staff motion, to construct buildings in the WUN area up to a height of 90 feet on lots larger than 10,000 square feet. She thought this was reasonable; they had worked with the SUNA neighbors to address their issues regarding density and height. She wanted to acknowledge that the University was continuing to grow and there was an increasing need for housing for the students. She averred that they should want the students to live as close to campus as possible. The closer students were in proximity to the campus, the less likely they were to bring a car. Additionally, she thought the chance of a developer finding a lot that was greater than 10,000 square feet was slim. She also thought it unlikely that a developer would choose to build to that height because of the cost.

Councilor Clark stated that the motion provided by staff would protect the SUNA area, in compatibility with the ICS recommendation. He was amenable to that as a compromise position because he understood the importance of the quality of life in that neighborhood. He was concerned that the motion on the table would have unintended consequence. He said people built buildings to suit the marketplace and he predicted that there would be many more six-bedroom buildings with a “whole lot of cars” and what would be built would be “boxes after boxes.” He averred that what they would get if they allowed the opportunity for greater height would be the opportunity to achieve a similar density and with height where height made sense.

Councilor Pryor commented that the possibility that a 90-foot high building could be built did not mean it would happen. He thought that the compromise that accommodated the SUNA area interests was reasonable and the question was whether that was also reasonable for the WUN. He was concerned that they might be treating one neighborhood differently because they were more involved. He was challenged to make a decision on this, but was likely inclined to support the staff’s recommendation for a motion.

Mayor Piercy wanted to emphasize that the ICS task team had worked on this for two years and reached consensus on many things. She believed that the make-up of the ICS group had been broad. She had understood that the WUN area had not been involved in the conversation that had brought about the compromise.

Councilor Zelenka remarked that the University area was the only one in the town where R-4, Residential, zoning butted up against R-1. He felt that the WUN had quality-of-life issues and it did not make sense to him to treat them differently from people who lived one block away. He listed several examples of development that furthered the goals of density at a lower height.

Roll call vote; the vote on the amendment was a tie, 4:4; councilors Ortiz, Taylor, Zelenka, and Brown voting in favor and councilors Pryor, Clark, Solomon, and Poling voting in opposition. Mayor Piercy voted for the amendment and the amendment passed.

Councilor Brown, seconded by Councilor Clark, moved to delete Section 4 from Council Bill 5015 and renumber the sections accordingly so that the ordinance would take effect according to Section 30 of the Eugene Charter. Roll call vote; the amendment passed, 7:1; Councilor Solomon voting in opposition.

Roll call vote; the main motion passed, as amended, 5:3; councilors Poling, Clark, and Solomon voting in opposition.

Councilor Zelenka, seconded by Councilor Clark, moved that the City Council adopt Council Bill 5016, an ordinance establishing the Jefferson-Westside Special Area Zone (S-JW); applying that zone to specific properties; amending the Jefferson-Far West Refinement Plan; and amending the Westside Neighborhood Plan.

Councilor Brown, seconded by Councilor Clark, moved to amend Council Bill 5016 by deleting Section 12 and to renumber the sections accordingly. Roll call vote; the motion passed, 7:1; Councilor Solomon voting in opposition.

Roll call vote: the main motion, as amended, passed unanimously, 8:0.

The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Jon Ruiz  
City Manager

*(Recorded by Ruth Atcherson)*